

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, Hawaii 96813

April 13, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Request for Authorization for the United States Department of the Army (including the Army Corps of Engineers) and its agents, employees, consultants, and investigators, to enter upon private property for the purposes of investigating and inspecting dams and reservoirs located within the State of Hawaii pursuant to Hawaii Revised Statutes Chapter 179D and Authorize the Chairperson to negotiate agreements with the United States Department of the Army

Chapter 179D of the Hawaii Revised Statutes is entitled the Dam Safety Act of 1987. The purpose of chapter 179D is to provide for the inspection and regulation of construction, operation, and removal of certain dams in order to protect the health, safety, and welfare of the citizens of the State by reducing the risk of failure of such dams.

Chapter 179D empowers the Board of Land and Natural Resources, among other things, to cooperate with the United States government or any of its agencies in carrying out the chapter and to "enter upon such private property of the dam or reservoir as may be necessary in making any investigation or inspection required or authorized by [chapter 179D]" and to take such other actions as are authorized under Chapter 179D and the administrative rules promulgated pursuant to that chapter.

Due to the recent incidents involving failure of dams and reservoirs on the Island of Kauai, the Engineering Division has requested the United States Department of the Army, including the Army Corps of Engineers, to provide assistance in dam safety, construction, and/or maintenance to assist the Board in investigating and inspecting dams and reservoirs on the Island of Kauai and elsewhere in the State, including but not limited to those that have failed. Among the matters to be investigated are the causes of dam and reservoir failure, in part to determine, from those inspections, whether other dams and reservoirs are in danger of failing from the same or similar causes.

RECOMMENDATION:

That the Board of Land and Natural Resources approve the following:

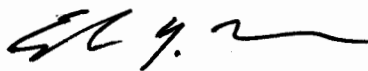
1. Authorize the United States Department of the Army, including the Army Corps of Engineers, and its agents, officers, employees, consultants, and investigators to enter

upon private property that contains dams or reservoirs (including those that have failed) in order to investigate and/or inspect those dams and reservoirs; and

2. Request the United States Department of the Army, including the Army Corps of Engineers, and its agents, officers, employees, consultants, and investigators to assist the Board in performing the functions specified in sections 179D-6(2), (3) and (4), Hawaii Revised Statutes.

3. Authorize and direct the chairperson, subject to approval of the Department of Attorney General, to negotiate and execute support agreements, memoranda of understanding, or other documents and agreements as needed to facilitate assistance from United States Department of the Army, including the Army Corps of Engineers.

Respectfully submitted,


for
ERIC T. HIRANO
Chief Engineer

APPROVED FOR SUBMITTAL


PETER T. YOUNG, Chairperson